

REMARKS

Applicant respectfully requests favorable reconsideration and reexamination of this application.

Claim 1 has been revised and is supported by, for example, Figs. 1-7 in the Specification.

Claim 10 has been revised editorially to track with its base claim, claim 1.

There is no new matter. Claims 1, 3-6, and 8-17 are pending in this application.

Claim Rejections – 35 USC §102

Claims 1, 3-6, 8, 10, 16, and 17 were rejected under 35 USC 102(e) as being anticipated by Sleva et al. (US 2003/0038047). Applicants do not concede the correctness of the rejection.

Regarding claim 1, Sleva et al. does not disclose the operating portion of the sampling tool that projects out from the upper opening of the second holding portion beyond the upper end of the adapter housing, and the sampling tip of the sampling tool that projects out from the lower opening of the second holding portion beyond the lower end of the adapter housing when the second holding portion holds the sampling tool. Sleva et al. discloses a storage case that entirely houses a medical monitoring device and a lancet. Sleva et al. discloses that the storage case stores the lancet “in a manner that reduces the risk of soiling or other contamination” (paragraph [0020]). Further, Sleva et al. discloses that the storage case is “configured” to be used “without exposing” the device and related accessories (paragraph [0020]). In Figs. 2, 3, and 5 of Sleva et al., it is disclosed that the lancing device 20 is secured to a side wall of the case body and does not have any portion of the lancing device 20 extending outside of the storage case (also see paragraph [0042]). Accordingly, the lancing device 20 of Sleva et al. must be completely removed from the storage case to be used in the lancing operation. Thus, even if the storage case could be considered to be an analogous structure to the adapter housing, which Applicant does not concede, the storage case according to Sleva et al. does not allow for the operating portion of the lancing device to project out from the upper opening of the second holding portion beyond the upper end of the storage case, and the sampling tip of the lancing device to project out from the lower opening of the second holding portion beyond the lower end of the storage case when the second holding portion holds the lancing device. In contrast, the features of claim 1 is advantageous, for example, for enabling the sampling tool to be used for lancing while it remains held in the first holding portion (see page 11, lines 18-20 in the Specification).

Appl. No. 10/502409
Reply to Action dated July 3, 2008

Therefore, Sleva et al. does not disclose at least this feature of claim 1. Claim 1 is patentable over Sleva et al. Claims 3-6, 8, 10, 16, and 17 are also patentable over Sleva et al. for at least the same reasons as claim 1 from which they depend. Applicants respectfully request a favorable reexamination and reconsideration of the claims.

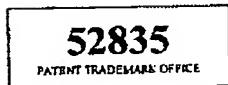
Claim Rejections – 35 USC §103

Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Sleva et al. Applicant does not concede the correctness of the rejection. Claim 9 is patentable over Sleva et al. for at least the same reasons as claim 1 from which it depends. Applicants respectfully request a favorable reexamination and reconsideration of the claim.

Claims 11-15 were rejected under 35 USC 103(a) as being unpatentable over Sleva et al. in view of Leenders (US 5351800). Applicant does not concede the correctness of the rejection. Leenders does not remedy the deficiencies of Sleva et al. stated above in regard to claim 1 from which claims 11-15 depend. Thus, claims 11-15 are patentable over Sleva et al. for at least the same reasons as claim 1. Applicants respectfully request a favorable reexamination and reconsideration of the claim.

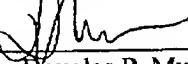
In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

Respectfully submitted,



HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

Dated: December 31, 2008

By: 
Douglas P. Mueller
Reg. No. 30,300
DPM/ajk